REMARKS/ARGUMENTS

This amendment is being filed under the provisions of Rule 116. Applicant believes that the claims should be reconsidered on their merits and that this amendment should be entered and applicant's remarks should be acted upon. Accordingly, reconsideration is earnestly solicited.

In the final Office Action all claims in the application were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Whelan in view of Anderson, Chang, Fleischer, and Lutz. Applicant requests the patience of the Examiner in again reviewing these references and in understanding why applicant believes they do not add up to or make a case of obviousness.

First, the primary reference is Whelan and as mentioned in previous amendments filed by applicant, Whelan molds grass seed and plant food and a binder into the shape of a golf tee and then puts a stiff coating on the molded material. In Whelan's drawings, namely, Figure 5, Whelan discloses that his golf tee construction may include a polyurethane coating. In the specification he suggests that the coating can be made of polyurethane or any other coating material; but, Whelan does not claim a polyurethane coating in either of his two claims. The only coating material specifically claimed is mica. No where in Whelan is there any suggestion that the coating materials have any other function than to enclose the grass seed and plant food and to be readily fractured. Any suggestion that the tee is to have any influence on a golf ball or the ball's performance is lacking. Thus, there is no foundation in Whelan for it to be combined with the other references. Since polyurethane is not even claimed but is only casually mentioned as an alternate breakable coating the addition of a layer of material on the ball support surface as applicant provides would only strengthen the tee and make its performance undersirable from Whelan's point of view and frustrate Whelan's objectives. Accordingly, Whelan, the primary reference, teaches away from applicant's invention and there is no recognition of the problem of golf tee surface friction. No mention is made of the ball support surface friction.

The Lutz patent mentions a fluorinated polyurethane coating for a ball and the primary purpose is for enhancing abrasion resistance but the coating also may reduce the coefficient of friction of the surface of the golf ball and modify the spin when the ball is struck with a golf club. However, no thought or suggestion is given anywhere in Lutz that the polyurethane coating composition for a golf ball may be incorporated in a tee. In fact, in both Whelan and Lutz the possibility that a low friction golf tee surface may be useful is totally ignored and there is absolutely no recognition that there could be a problem presented by a tee. Certainly, there is no recognition that a low friction tee would affect the distance that a golf ball could be driven. Without recognition of such a problem, applicant submits that these two references can not be properly combined as they are totally lacking any suggestion to do so. No mention is made of the ball support surface friction.

The Fleischer reference without doubt teaches away from applicant's invention. A strip of material which must exert additional friction force on the ball is disclosed. The additional friction force is necessary to control and hold the ball at the time that it is being struck so that the strip will control the path of the ball as it leaves the tee. This would lead one skilled in the art totally away from applicant's invention. No mention is made of ball support surface friction.

In the Chang reference strips of friction reducing material are placed on the striking surface of the golf club so that spin is reduced and the tendency of the ball to slice is consequently reduced. Again, in trying to control the direction of the ball as it leaves the tee, the focus is on the surface of the club and not on the tee. Again, no mention is made of ball support surface friction.

In the Anderson reference a sleeve is provided around the shaft of the tee to enable the golfer to place the tee at a consistent height and also to strength the shaft of the tee. Again, no mention is made of ball support surface friction.

It is clear that in all five references cited by the Examiner there is no thought given to the surface of the tee. Applicant has recognized that this is not just an insignificant part of the golf game and that an increase in distance can be realized when the ball is driven from a tee on which the support surface friction is reduced. Applicant has also recognized the most effective way to reduce the friction is to adhere a layer of friction reducing material to the support surface of the tee. Not one of the references suggests, shows, or even hints at doing this. By reading all of the cited references, one skilled in the art would not realize there was a problem nor would one even be aware that the friction on the ball support surface of a tee could be reduced. Applicant does what no disclosure in the prior art even suggests or thinks about.

Accordingly, applicant respectfully requests reconsideration of his invention and a favorable action on his claims.

Respectfully submitted,

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